



Atty. Docket No. 62881C1(71589)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Barry N. Gellman

Application No.: 10/811,196

Confirmation No.: 2937

Filed: March 26, 2004

Art Unit: 3738

Title: Male Urethral Stent Device

Examiner: T. Sweet

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION; 37 C.F.R. § 1.321(c)**

Sir:

I, Lisa Swiszc Hazzard, represent that I am an attorney of record for this patent application.

The assignee, Boston Scientific Scimed, Inc., owns the entire right, title and interest in U.S.S.N. 10/811,196 by virtue of an assignment recorded on September 14, 2004 at Reel 015776, Frame 0882 from Barry N. Gellman to Scimed Life Systems, and by virtue of a change of name recorded on September 30, 2005 at Reel 016848, Frame 0251 from Scimed Life Systems, Inc. to Boson. Scientific Scimed, Inc. The assignee, Boston Scientific Scimed, Inc., also owns the entire right, title and interest in U.S. Patent 6,733,536, granted May 11, 2004 (U.S.S.N. 10/277,575, filed October 22, 2002), by an assignment recorded on January 14, 2003, Reel/Frame 013656/0008, from Barry N. Gellman to Scimed Life Systems. Effective January 1, 2005, Scimed Life Systems changed its name to Boston Scientific Scimed, Inc., as evidenced by the recorded change of name at Reel 016848, Frame 0251.

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Applicant: Gellman
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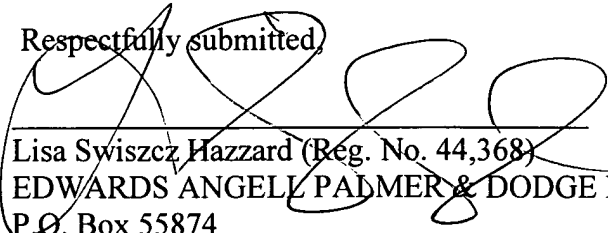
The terminal part of the statutory term of any patent granted on U.S.S.N. 10/811,196 that would extend beyond the expiration date of the full statutory term, or any extensions thereto, defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 6,733,536 forming the basis of the double patenting rejection, is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on U.S.S.N. 10/811,196 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,733,536. This agreement shall run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on U.S.S.N. 10/811,196 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 6,733,536, in the event that U.S. Patent 6,733,536 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter, or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for separation of legal title stated above.

For the required filing fee in accordance with 37 C.F.R. §1.321(b)(4) and 37 C.F.R. §1.20(d), please charge Deposit Account No. 04-1105. If additional money is required, please also charge Deposit Account No. 04-1105.

Date:

Respectfully submitted,



Lisa Swiszczy Hazzard (Reg. No. 44,368)
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205
Tel. No. (617) 517-5512
Customer No. 21,874